

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

KEVIN TRUONG, individually and on	:	
behalf of a class of all persons and entities	:	Case No. 3:23-cv-00079-MOC-DCK
similarly situated;	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
TRUIST FINANCIAL CORPORATION,	:	
	:	
Defendant.	:	

JOINT MOTION TO SUBSTITUTE DEFENDANT AND CHANGE CAPTION

Plaintiff Kevin Truong and Defendant Truist Financial Corporation (“TFC”) (collectively, the “Parties”), pursuant to Rule 21 of the Federal Rules of Civil Procedure, jointly request that Truist Bank be substituted for TFC as a defendant in this action.

1. Plaintiffs sued TFC on February 10, 2023. (ECF No. 1.) TFC was served with the Complaint on February 13, 2023. (ECF No. 8.) TFC answered the Complaint on April 5, 2023. (ECF No. 19.)
2. Under Rule 21 of the Federal Rules of Civil Procedure, the Court has the authority to add and drop parties from a lawsuit at any time on just terms.
3. Although Plaintiffs initially sued TFC, TFC represents that Truist Bank is the proper party in interest and that TFC is merely the holding company for Truist Bank.
4. The Parties agree that the response to the Complaint filed by TFC on April 5, 2023 be deemed to be filed on behalf of Truist Bank. (ECF No. 19.)
5. Truist Bank will disclose its financial interests in a corporate disclosure statement upon substitution.

6. Truist Bank agrees to be added as a defendant without waiver of or prejudice to any defenses it might assert to Plaintiff's claims other than service-related defenses pursuant to Rule 12(b)(4) and 12(b)(5).

7. Accordingly, the Parties respectfully request that TFC be dismissed from this proceeding, that Truist Bank be substituted for TFC as the defendant in this action, and that the case caption be modified accordingly.

WHEREFORE, for these reasons, Plaintiff Kevin Truong and Defendant Truist Financial Corporation respectfully move the Court to substitute Truist Bank for Truist Financial Corporation as the proper defendant, and change the case caption accordingly.

Dated: April 11, 2023

Respectfully submitted,

/s/ Timothy J. Sostrin

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*Counsel for Defendant Truist Financial
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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2023, a copy of the foregoing was filed electronically with the Clerk of the Court for the Western District of North Carolina by using the CM/ECF system. Counsel for all parties in this case are registered CM/ECF users and will be served by the CM/ECF system.

/s/ Brian A. Kahn

Brian A. Kahn